

REMARKS:

Regarding the claims, claims 1, 3, 6, 10-12 and 15-18 stand rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama. Independent claims 1 and 10 have been amended to include the feature of a building moisture sensor. This feature is neither taught nor suggested in Akiyama. Accordingly, the 102 rejection of claims 1, 10 and any claim depending from these claims is respectfully traversed.

Claims 2, 4, 7 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama. As discussed, independent claims 1 and 10 now include the feature of a building moisture sensor in combination with a humidity and temperature sensor. One of ordinary skill in the art would not find this combination obvious upon reviewing the teachings of Akiyama. Claims 2, 4, and 7 depend from currently amended claim 1, and claim 19 depends from currently amended claim 10. Accordingly, the 103 rejection of claims 2, 4, 7 and 19 is respectfully overcome.

Claim 5 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Jones. Neither Akiyama nor Jones teaches the use of a building moisture sensor in combination with a temperature and humidity sensor. This feature is incorporated by reference into claim 5, which depends from claim 1. Because one of ordinary skill in the art would not find the combination provided in claim 5 obvious in view of the prior art cited, the 103 rejection of this claim is respectfully overcome.

Claims 20-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Warner. Neither Akiyama nor Warner teaches the use of a building moisture sensor in combination with a humidity and temperature sensor. In view of the foregoing remarks relating to the building moisture sensor feature, which is included in dependent claim 20, the 103 rejection of this claim is respectfully traversed.

Regarding claims 21-30, independent claim 21 now includes the limitation of a combined sensor for measuring humidity, temperature and moisture. This feature is neither taught nor suggested in by Akiyama and Warner. Furthermore, one of ordinary skill in the art would not find this feature obvious in view of the prior art teachings, especially considering the prior art inventions are focused only on the humidity within a particular space. Accordingly, the 103 rejection of claims 21-30 is respectfully overcome.

Claims 8, 9, 13 and 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Akiyama in view of Weisenberger et al. While Weisenberger et al. teach the use of a system for reducing moisture in a new construction project, this reference does not provide sufficient teachings relating to the continued monitoring of moisture within a completed, post-construction building. The focus Weisenberger et al. is on the moisture level of the materials being used to construct a building. Thus, one of ordinary skill in the art relevant to Weisenberger et al. would be a contractor or builder that is actually involved in the construction process.

By contrast, the Akiyama reference addresses humidity control within a particular space that is post-construction. One of ordinary skill in the art relevant to this reference would more likely be a home owner or occupant. Furthermore, control or monitoring of humidity within a space need not rely on any measurement of building material moisture. In fact, such information or input may be counterproductive, or at least, irrelevant to the main purpose of controlling relative humidity within a space.

Considering there are two different types of persons with ordinary skill in the art at issue, each with its own set of priorities and know-how, it would not be obvious to combine the system of Akiyama, which is suited for post construction ambience control, with the system of Weisenberger et al., which is suited for the narrow purpose of maintaining the integrity of building materials during the construction of a building.

It is only after a review of the present application that the feature of using humidity, temperature, and moisture input to monitor a space is found. The present invention includes a system for monitoring most, if not all, ambient conditions of enclosed spaces so as to optimize these conditions. Additionally, this monitoring can occur from within the enclosed space or externally to the enclosed space. Both the Akiyama and Weisenberger et al. references require the monitoring be done on site of the space at issue. Accordingly, the 103 rejection of claims 21-30 is respectfully overcome.

Regarding the issue of double patenting, each of the pending independent claims includes the combination of a building moisture sensor with a temperature

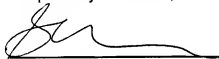
and humidity sensor. This feature is neither taught nor suggested in Fuller US 6,978,631. Accordingly, the double patenting rejection of claims 1-30 is respectfully overcome.

All issues raised in the Office Action now being resolved, Applicant respectfully requests this application be approved and proceed to allowance.

DEPOSIT ACCOUNT AUTHORIZATION

It is not believed that an extension of time or any fees, other than those presented herewith, are required. However, in the event that extensions of time are necessary, then such extensions of time are hereby petitioned under 37 CFR 1.136(a), and any additional fees required for consideration of this paper, including fees for the net addition of claims, are hereby authorized to be charged to our Deposit Account No. 080719. If any designated extension fees, or other designated fees, are not required or are in excess of the amount required, the Director is hereby authorized to credit any such overpayment to Deposit Account No. 080719.

Respectfully submitted,



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